

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

THE STATE OF MISSOURI; THE STATE  
OF TEXAS,

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity as  
President of the United States, *et al.*

Defendants.

No. 7:21-cv-00420  
(formerly No. 6:21-cv-00052)

THE GENERAL LAND OFFICE OF TEXAS,  
and DAWN BUCKINGHAM, M.D., in her  
official capacity as Commissioner of the Texas  
General Land Office,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY; and ALEJANDRO  
MAYORKAS, in his official capacity as  
Secretary of the Department of Homeland  
Security,

Defendants.

No. 7:21-cv-00272

**PLAINTIFFS AND DEFENDANTS' JOINT MOTION FOR AN EXTENSION  
OF TIME TO RESPOND TO THE MOTIONS TO INTERVENE**

Plaintiffs and Defendants jointly move for the Court to extend the deadline to  
May 10, 2024, for Plaintiffs and Defendants to respond to any motions to intervene

that have deadlines before then. An extension will permit Plaintiffs and Defendants to file omnibus responses to all pending motions to intervene. In support of their joint motion, the parties state as follows:

1. On March 8, 2024, the Court entered an order granting in part Plaintiffs' Motion for Preliminary Injunction. ECF 128.

2. On April 10, 2024, the parties filed a Joint Motion for Entry of Final Judgment and for Briefing Schedule with the Court. ECF 150 at 1. In the joint motion, the parties "agree[d] that the Court may enter final judgment in these cases without additional dispositive motion practice," subject to "one discrete issue concerning the form of a final judgment on which [the parties] have been unable to agree." *Id.* at 2. That discrete issue is whether and to what extent the remedy of vacatur applies.

3. One month after this Court's preliminary injunction order, on April 8, 2024, Posillico Civil Inc. Coastal Environmental Group Inc. d/b/a Southern Border Constructors ("SBC") moved to intervene. *See* ECF 148. The parties' current deadline to respond is April 29, 2024. L.R. 7.3.

4. On April 9, 2024, Randy Kinder Excavating, Inc d/b/a RKE Contractors ("RKE") moved to intervene. *See* ECF 149. The parties' current deadline to respond is April 30, 2024. L.R. 7.3.

5. On April 11, 2024, Diamond A Ranch, Western Division L.L.C. and Guadalupe Ranch Corporation (collectively, the "Ranches") moved to intervene. *See* ECF 154. The parties' current deadline to respond is May 2, 2024. L.R. 7.3.

6. On April 19, 2024, Sierra Club and Southern Border Communities moved to intervene. *See* ECF 167. The parties' current deadline to respond is May 10, 2024. L.R. 7.3

7. On April 15, 2024, Texas Sterling Construction Co. ("Texas Sterling") moved to intervene. *See* ECF 162. On April 23, 2024, Texas Sterling filed an amended motion. *See* ECF 172. The parties' current deadline to respond is May 14, 2024. L.R. 7.3.

8. The parties jointly move for the Court set a deadline of May 10, 2024, for Plaintiffs and Defendants to each file (one for Plaintiffs, and one for Defendants) consolidated responses to all outstanding motions to intervene.

9. Granting this motion will increase efficiency. The five outstanding motions to intervene raise overlapping issues and make similar arguments. A single response by Plaintiffs and a single response by Defendants would more efficiently resolve common arguments. Given the number of motions to intervene, however, additional time for the parties to file consolidated responses is necessary.

10. All responses are currently due between April 29, 2024 and May 14, 2024, and the Court's preliminary injunction has been in effect since March 8, 2024. Setting a deadline for the parties to each file a consolidated response to the various outstanding intervention motions on a single date within the existing time window will not prejudice any of the putative intervenors.

11. The parties have communicated their intent to seek a deadline of May 10, 2024, on consolidated responses to the outstanding motions to intervene to all

current putative intervenors. All putative intervenors consent to the joint motion for an extension of time.

12. A proposed order granting the parties' joint motion is attached as Exhibit 1.

### **CONCLUSION**

For the foregoing reasons, the parties respectfully move for the Court set the deadline for Plaintiffs and Defendants to file consolidated responses to all outstanding motions to intervene as May 10, 2024.

Date: April 25, 2024

ANDREW BAILEY  
Attorney General of Missouri

/s/ Joshua M. Divine

JOSHUA M. DIVINE, #69875MO  
Solicitor General  
*Attorney-in-Charge*  
Southern Dist. of Texas Bar No.  
3833606

SAMUEL FREEDLUND, #73707MO\*  
Deputy Solicitor General

OFFICE OF THE ATTORNEY GENERAL  
Supreme Court Building  
207 West High Street  
P.O. Box 899  
Jefferson City, Missouri 65102  
Tel. (573) 751-1800  
Fax (573) 751-0774  
josh.divine@ago.mo.gov  
samuel.freedlund@ago.mo.gov

*Counsel for Plaintiff*  
*State of Missouri*

\*Admitted *pro hac vice*

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney  
General

ALEXANDER K. HAAS  
Director, Federal Programs Branch

/s/ Andrew I. Warden

ANDREW I. WARDEN (IN Bar #23840-49)  
Senior Trial Counsel  
MICHAEL J. GERARDI  
(D.C. Bar #1017949)  
Trial Attorney / Attorney-in-Charge  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L St. NW, No. 7506  
Washington, D.C. 20005  
Tel: (202) 616-5084  
Fax: (202) 616-8470  
E-mail: Andrew.Warden@usdoj.gov

ALAMDAR S. HAMDANI  
United States Attorney

/s/ Daniel D. Hu

DANIEL D. HU  
Chief, Civil Division  
Assistant United States Attorney  
Southern District No. 7959

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

RALPH MOLINA  
Deputy Attorney General for Legal  
Strategy

/s/ Ryan D. Walters  
RYAN D. WALTERS  
*Attorney-in-Charge*  
Chief, Special Litigation Division  
Texas Bar No. 24105085  
Southern Dist. of Texas Bar No.  
3369185

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548  
Austin, Texas 78711-2548  
Tel.: (512) 936-1414  
Fax: (512) 936-0545  
ryan.walters@oag.texas.gov

*Counsel for Plaintiff State of Texas*

/s/ Austin R. Nimocks  
AUSTIN R. NIMOCKS  
*Attorney-in-Charge*

Texas Bar No. 24002695  
S.D. Tex. Bar No. 2972032  
austin@peelenimocks.com

Christopher L. Peele  
Of Counsel  
Texas Bar No. 24013308  
S.D. Tex. Bar No. 31519  
chris@peelenimocks.com

Peele | Nimocks | Toth  
6836 Bee Caves Rd. Bldg. 3, Ste. 201  
Austin, TX 78746  
Phone: (512) 522-4893

*Counsel for Plaintiffs Texas General Land  
Office and Commissioner Dawn  
Buckingham, M.D.*

**CERTIFICATE OF COMPLIANCE**

I certify that the foregoing document contains 609 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Joshua M. Divine  
Joshua M. Divine

**CERTIFICATE OF SERVICE**

I certify that on April 25, 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, all consistent with Federal Rule of Civil Procedure 5(b).

/s/ Joshua M. Divine  
Joshua M. Divine